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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,444

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Manfred Dorn

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EXAMINER

LEE, DOUGLAS S

ART UNIT

PAPER NUMBER

2121

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,444	<b>Applicant(s)</b> DORN ET AL.	
	<b>Examiner</b> DOUGLAS S. LEE	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/2006, 12/12/2007</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### Applicant's amendments

Applicants cancelled the claims 1-20. And new claims are 21-40.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over BMW (Bayerische Motoren Werke) DE 197 52 056 in view of NOKIA EP 1 160 653, MOLLER DE 296 04 717, SIEMENS EP0 701 926, CAA DE 101 12 973, BARDARNEH WO 03/036455, OR VOLKSWAGEN DE 100 56 307.

Regarding claim 21, the sole difference between this claim and BMW is the entries of the submenu are arranged in a matrix, with the entries being arranged such that, for the purpose of greater clarity (page 9, third section), in matrices which have more columns than rows, the entries are arranged in different rows in adjacent columns (see figure

Art Unit: 2121

3) or, in matrices which have more rows than columns, the entries are arranged in different columns in adjacent rows (see figure 3) and not in a one-dimensional list as in figure 2 of BMW. However, the problem of clearly arranging a large number of items of information which are to be graphically displayed is well known in the field of graphic user interfaces (also called "desktop clutter" in the technical field), and arranging selectable items of information in a matrix is a well known solution to this problem (see, for example, the matrix-like arrangement of the icons on the desktop of the Windows 2000 operating system which was known as early as 1999; also see document NOKIA, figure 6 and sections 4, 7, 29, 32, 42 and 47, where, as implied by the above passages, it is clear that the mainly clear display of selectable elements by means of a matrix-like arrangement leads to a loss in clarity in the case of small display fields in matrices with a large number of elements, and this has to be avoided), with, for the purpose of displaying the selectable items of information (even) more clearly, said items of information being arranged in such a way that elements in adjacent rows are shown to the user in different columns, and elements in adjacent columns are shown to the user in different rows (can be clearly seen in figure 7I, with the three elements being arranged in three different positions next to one another and one beneath the other and one above the other, producing a 3x3 matrix), and thus it would have been obvious one skilled in the art to arrange a large number of items of information which are to be graphically displayed is well known in the field of graphic user interfaces (also called "desktop clutter" in the technical field), and arrange selectable items of information in a matrix.

Art Unit: 2121

Regarding claim 22, the further difference between modified BMW and this claim is the storage of vehicle settings (see, for example, MOLLER, page 3, fourth section) or programs (see, for example, SIEMENS, col. 4, lines 1-3) which has already long been known primarily in operator control systems of vehicles, with the display of this information in one- or two-dimensional lists being standard in the field of graphic user surfaces.

Regarding claims 23-27, the further difference between modified BMW and these claims is widely known from scrollable lists which are provided with arrows (with the cursor moving to the adjacent element at least provided that it is not in the peripheral area) or from scrolling through the icons which are arranged in a circular fashion in the display of mobile telephones (with the cursor staying still and the icons moving on a curved path), and is obvious for two-dimensional lists for the reasons given in section 2 (see, for example, CAA, figure 4c).

Regarding claims, the further difference between modified BMW and these claims relates to one of many possible ways of clearly arranging the entries (which is the objective of each graphic surface in any case, but especially in automobiles in view of the well-known problem of distracting the driver from the traffic situation as little as possible), which a person skilled in the art would choose without thereby being inventive.

Regarding claims 29 and 32, the additional feature of claims 29 and 32 relates to rotary knob/pushbutton/sliders (see, for example, BMW, figures 1 and 2, or CAA, figures 1 to 4) which are well known in the automobile industry.

Art Unit: 2121

Regarding claims 30 and 33-34, relate to leaving a relatively low hierarchical level by deflecting a rotary/pushbutton/sliding element in a vertical direction or a direction which is not used, as is well known, in order to align the entries (see document BARDARNEH, figure 18b and associated text on page 14, lines 10 to 13). The additional feature of claim 34 is known from VOLKSWAGEN (column 3, section 18, lines 28 to 42).

Regarding claims 35-36, the additional feature of claim 35 relates to the well-known visual emphasis of a selected entry in graphic user surfaces.

Regarding claims 37-38, the additional feature of claims 37 and 38 relates to one of many possible ways of defining the width of a switching area as a function of the space available and/or function identification, in which a person skilled in the art would make a selection which he believes is appropriate.

Regarding claims 39-40, the additional features of claims 39 and 40 are known from BMW (see figure 2), with storage of programs in automobiles being a practice which has long been known.

The examiner requests to the applicants to provide the translation of above documents cited in the office action into English as soon as possible before next office action.

### ***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Albert Decady*, can be reached on (571) 272-3997 or via e-mail addressed to [*albert.decady@uspto.gov*]. The fax number for this Group is (571) 273-8300.

Art Unit: 2121

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**doug.lee@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122.

This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/D. S. L./

Examiner, Art Unit 2121

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121

Application/Control Number: 10/584,444  
Art Unit: 2121

Page 7